

Rules Governing the Planting of Beans

IDAPA 02.06.06

April 23, 2021

Attendees Via Webex: B.J. Metzger, Brad Smith, Brett Lolley, Casey O’Leary, Darren Krzesnik, Doug Boze, Gary Petersen, Gina Lohnes, John Snelling, Josh Walton, Kathy Stewart-Williams, Lorell Skogsberg, M Steffey, Monty Hamilton, Nick Bredeweg, Pedee Ewing, Phil Belnap, Steve Schwartz

ISDA Staff: Lloyd Knight, Andrea Thompson, Tina Eiman, Chanel Tewalt, Katy Devries (DAG), Dallas Burkhalter (DAG)

Lloyd started the meeting with a review of Webex functions, review of overall rulemaking plan and strategy, and review of posting of comments and drafts on the agency website.

Lloyd handed the presentation over to Tina Eiman for a review of the strawman rule. The following sections and discussions occurred during that presentation:

- Definitions, 010- 01: ISDA has always accepted the phyto or field inspection for documentation for yellow tag. It does not have to be a phyto.
- 05. Request from IEOSA to add new definition of drip irrigation. A system of crop irrigation involving the controlled delivery of water directly to individual plants through a network of stationary tubes or tapes, excluding drag lines.
- 05. Remove fresh green pod, just leave in seed planted in Idaho intended for edible purposes (dried edible seed).
- Farmstead: **Will likely be something we’ll have to discuss further. Request to take out Farmstead and request to add definition of buffer or impact zone, if positive found. Also, legal definition of Farmstead. Three schools of thought there. IEOSA Recommendation.
- 08.Home Garden definition (IEOSA Blight Committee) with maximum of one-half acre.
- 19 Trial Grounds – definition (if Farmstead definition is removed) located on one (1) farmstead – be removed.
- 150-01-c. IEOSA Monty change from Sept 1 to Aug 1 – thought hard to get in all the required inspections
- 02.a. add in “drip or”
- 151. Inspection (Non-Phaseolus) at the request of ICIA, add in “or the Idaho Crop Improvement Association (ICIA) – to allow inspections by ICIA or ISDA
- 151- 02. Add in in “drip” – suggestion that non-phaseolus get inspected the same as Phaseolus, so fields under drip, rill get inspected at least once. And field under sprinkler irrigation get inspected at least twice. To match how Phaseolus fields are inspected.
- 200.01. Idaho Grown Seed add “or final” allow or final inspection on Phaseolus as we allow on non-phaseolus, could be a windrow or pre-harvest inspection.
- Lloyd pointed to the 2019 combination of the separate Phaseolus and Non-Phaseolus rules and the obvious need to further combine sections to reflect industry requests to further merge Phaseolus and Non-Phaseolus sections into a single set of common requirements.
- 03, housekeeping again adding in “or official field inspection report”

- Section 5 and 6 – we will need to come back to. Correcting language. Ship to a foreign. Bean rule committee take out or foreign country and returned. IOSA request allowable to ship anywhere in the continental US provided it was tagged before it left, segregation and written request to return it.
- 201.01 Adding in ICIA per ICIA – can also do inspection and tagging on non-Phaseolus
- 03.a. house keeping add in “or official field inspection report”
- Imported seed from other than Malheur county would have to be planted on trial ground. IEOSA recommends anything coming in from anywhere other than Malheur county would have to be planted on trial ground the same as Phaseolus varieties. Holding Non-phaseolus to same standards as Phaseolus. (discussion)
- 06. adding in ICIA inspections allowed will need to add ICIA tags provided field and windrow inspected according to the rule, will need to be added in here
- 250.02 Trial Ground Subdivisions, addition here that clarifies non-phaseolus coming in under 1 pound exemption, will still need to be tested for soil and nematodes, in to Idaho. Language addition.
- 04 detection of regulated pest request to update to clarify how the trial ground lot will be handled when a positive is found on the trial ground. Monty from IEOSA.
- 350 detection 01 house keeping take out may and change to will, questions or comments from the group.
- 400. 02 destruction –remove in part and leave in total. (request by IEOSA) Monty Yes, we need to remove “in part”. Andrea – is there consensus on that? Complete destruction, not partial. Gary (?) – Tina are you still considering if you’ve got a large field separated by corn rows or some separation that those are separate fields? Tina - I would say yes, as long as that other field did not test positive. It’s open for discussion. John (?) – going back what we said before, all adjacent fields would be inspected and tested if needed, right? It would be an adjacent field if it were separated by a corn line. Yes, agreement. Tina we have seen some fields where there is only a flag between the two fields, there is no physical barrier, that might cause some heartache if it ever came to pass that half of it was found positive. Gary – I thought there used to be some language in there that designated what created a separate field. To me a flag is pretty questionable. Tina – right. I don’t see any language now for that, but I know I have been out to some fields with my crews and there has been literally a flag at one end of the field that split the field between two field inspection applications. If it’s a clear separation, then it’s easy, but if it’s not, then maybe some merit for further discussion. Lloyd – Probably do want to talk about define fields in this process. Have had some examples through the years. All on one field without even a flag marker. Should make it clear, since we are in the rule already. John – The field has to be described. Even if it says the five acres on the east side. Tina – We have had maps that say that, say if it is a 10 acre field, say this map is the five acres on the east side and this lot is the five acres on the west side. But when you get out there, there may not even be a blank row. Gary – I thought the idea behind having a physical separation even though you might have a flag, once we get into the windrow and a wind storm comes up, then you could easily get crop intermingling and rolled into one into another field. I personally think there should be a physical separation requirement between two fields. John – Little bit of issue, for instance like on a trial ground, where you are doing a 1 pound increase. Corn row in between 1000 plants? Gary – no that’s a trial ground exemption. That’s a different situation. When I say a physical

separation, to separate two fields, you have a dike. Obvious they're irrigated separately, they are separate fields. We've all done it when you have a big field you split it maybe between varieties, or whatever reason. A grower would put a corn row down to separate it. But a flag to me, there is nothing to stop those crops from intermingling during harvest. John – I fully agree. I have also seen instances where I have seen 8 different stock seed varieties in a single field and they're all half an acre or something. Good practice would be to plant something and keep them separate. Here I don't know that we are designating good practice. "Gary I think your comments very valid, regarding intermingling during a wind storm or something." But that would hold true even with a physical separation. If you left five rows blank and it was clearly separate. Even then if it was intermingled, you would have a problem. Gary – if you are just leaving blank rows, absolutely. If you've got corn rows or sunflowers or something that is physically separating, you could still get through it, but it makes a big difference. Andrea – What I understand that when we have "in part" if there's a physical separation of some sort whether that be a row or actual physical barrier that would make anything with that physical barrier to be subject to destruction. Everything "in total" would just be that contained area. Tina – from years ago, it was allowed on occasion if only part of the field was deemed to be positive, only part was destroyed. Had to do with when Del Monte was big here. We had exemption for the fresh harvest. They only had to destroy part of it, if they could harvest part of it in time. Not sure if this is how the "in part" came about. How we sit now if you found a field of Halo blight you would destroy that thing in total. Monty(?) jumping ahead we did delete that whole part of the "in part" of a field being destroyed, that has to do with 450-02. Tina – Probably not even valid if we stay with the deleting of beans for processing, or fresh consumption or forage. I think it allowed for partial harvest of a positive field. Gary – Do we allow a flag to indicate a field separation, I think that's the real question. Or one of the questions anyway. Monty – might be worth adding what you classify as a field. If a company chooses to use a flag, whether it's a gap in the field or corn rows, then this is the risk you take. But if you add a gap and corn row, then we're going to treat it as separate fields. Gina – I believe with Idaho Crop Improvement certification program we are required to have a gap or a physical separation of corn or some other separator. I'm guessing this must just be a garden bean issue. Tina – maybe there is already wording that we can copy? John – I think the final sentence here is also calling for additional wording because if the field will be quarantined. Imagine we have a 10 acre field with 6 different crops in it, that are considered 6 different fields. And one of them is positive and the rest for whatever reason are negative. Is it just the strip in the middle, is it the whole thing, that's quarantined? It would do well to have a little bit more clarification here. I'm not proposing what that is, but it just seem it needs more. Lloyd – draft recommendations from you all on defining a field and tweaking this destruction language go with that process recognizing those separations an all of that. Email to us to get submitted. And that way it reads how you want it to. Someone can make it consistent with the ICIA definition, if that is what you want to do, or make it something different. Look for you all to submit language back to us, please.

- 04 detection of regulated pest to add "Upon confirmation of a regulated pest, all bean fields located within half a mile of the infested field, fields where equipment was shared, and fields planted with the same parent seed will be inspected by ISDA or ICIA for further spread of the regulated pest." (IEOSA) Outline the boundaries of where we will be looking if this goes

through. Tina – Are we adding in there will be inspected and lab tested? I think there was some conversation about lab tested as needed. Is that what your comment was Gina? For this section. Gina – I think lab test would be good. Lloyd – inspected process would include testing, is that correct? I don't mind adding the word testing. Andrea – you can't have confirmation of a regulated without a laboratory testing. It's really just a technicality by adding the language and testing. Lloyd – it's married together in the same group.

- Kathy – 400-02- Can we go back to the destruction – quarantine for 5 years. Is that based on science? Wondering where the five years came from and part of that is because I know there has been a lot of discussion through this process about the potential of harmonizing Idaho and Washington as far as bean rules. At least from the certification side, both Washington and Idaho require two years out of beans when a regulated pest is found. Wondering where the five years came from. Monty – the five years came from the meeting we had in Glens Ferry and I forget the driving breeders that were there. But we were all discussing how long dry beans could potentially volunteer in a field. And that is where the 5 years came from. Kathy – so would it be worth having Lyndsay or another pathologist weigh in on that before committing to a five year quarantine. Gary or John(?) – I would say yes, why not. Gina – especially where that is going to change/effect the certification rules. Kathy – In Idaho certification standards are much easier to change than they are in WA. Where so many companies are doing business in both states. We do sort of have the same end goal as much parallel standards are possible. WA is WSDA so it's going to be much harder to change. Andrea – Okay so IEOSA you'll work on getting that information and submitting that? Monty – Sure
- 450.02 deletion Beans for processing or fresh consumption – would no longer be exempt. Any thoughts or comments on this? Gary(?) Going back to what Tina said earlier about Del Monte was here. If they could get it harvested within the same time frame, that was allowed. Instead of destroying. I don't think there is any fresh processing here to today. But would we still want to consider that in case they're wanting to come back. John – you are saying basically destruction by harvest? Gary – Exactly. Tina – within five days of detection. But the other definition is not allowing any plant material to be removed from a confirmed positive. That is how this strike out came about. Monty – that is exactly why it came about. The discussion was if you are growing garden beans in Idaho, you would follow the seed rules. Gary – It's not a big issue to me, I just wanted to through that out for some discussion. Lorell - I guess to be consistent you can continue as proposed until somebody has an issue or somebody moves into the area, and then you could re-visit. Lloyd – Going back and adding it in later is difficult. Rule making process, we would have to go through all this and there will be a lag. Gary? – personally I would like to see them tear the whole field out, if that occurred. John – Yes, and not drag material down the road, to a plant or whatever. Monty(?) – I would say add this and add the new definition for destruction. Gina or Kathy(?) – I would agree Andrea – okay. Lorell – 04 detection – commercial fields or stock seed fields, things outside of trial ground, we are going to do all bean fields located within half a mile. Do we want that to mirror the trial language? Which was adjacent fields or is this half mile a reasonable thing? Gary – I think it should mirror the other one. Tina – When we discussed we said we were going to say adjacent fields and fields planted with the same parent seed lot and including exemptive varieties or types.
- 451 exemptions from destruction – to strike. Any comments or suggestions? This is for non-phaseolus for forage production. – no comments

- End of changes. Open up for discussion.
- Lloyd – Andrea will capture. Draft word by word right now. Track changes. Capture in comments. Submit email for good record or who is asking for what where.
- 010.01 “Or official field inspection report” be added – no comment
- 05 “Drip Irrigation. A system of crop irrigation involving the controlled delivery of water directly to individual plants through a network of stationary tubes or tapes, excluding drag line.” – no comments
- 05. Edible Harvest striking “fresh green pod or” leaving “dried edible seed” – no comment
- 07 Farmstead: Andrea - I’m sure we might have comments about “Farmstead. All land farmed in common within one mile of the land upon which the trial ground is located.” And the legal definition “Farmstead. All bean seed planted to the same field site upon which the trial ground is located. Adjacent field sites are considered part of the farmstead if planted to any same parent seed lot as planted on the trial ground site.” Tina or the third request impact zone. Somewhere a definition of impact zone from the positive find site. John Snelling - Question the yellow section is the legal definition that was added? Andrea responded – that is correct, we had a 2020 case where we had to employ what the limit was for where we would be looking for the disease. And in this instance it was the field site upon where the trial ground was approved and only included the adjacent same field site as it was planted to the same parent seed lot. Gary Peterson - And that would include if a different grower that was planted. Andrea - that is correct. Gary Peterson if you’ve got a trial ground exemption, and then 2 miles away the same seed lot planted, that becomes part of the farmstead? Or that will be handled under the other regulation additional inspections because planted from the same seed lot. Andrea – it would not incorporate parent seeds planted 2 miles away, only adjacent field site if planted to the same parent seed lot. Tina clarifying if you planted Lot 1 and it was positive then any lot 1 planted adjacent to the positive site, is that a good way to look at it? John Snelling is there a risk of spread to adjacent fields even if it was not same seed lot, is there a physical risk and is there a risk on equipment transfer. And one of the groups said maybe we could remove Farmstead definition if we could somehow come up with some language that would provide additional testing in surrounding fields or just adjacent fields. This definition I had not seen before. But when I think of a farmstead, I think of the guy’s whole farm. If company A puts trials out, has positive, could put other fields, varieties, stock seed at risk on that guy’s farm. Peripheral thing to reduce risk. What is the true risk of these trial grounds? Liz was going to do some checking on that. Have we really even had that many positives from trial grounds. Monty – wanted to eliminate farmstead, but add into “Destruction” added in a new section where if you had a positive, all fields within half mile regardless of same grower or different farm it would be looked at, plus shared equipment fields and shared seed lot. New definition for when they do find a positive. John or Lorell(?) responded that would work for me that is a simpler thing, more specific to that location, and who follows up on that. I think that is better than to list a farmstead. Andrea – do we have consensus to strike legal definition to farmstead? Gary Petersen – before we do and I think we review the other clause that Monty was talking about, so we all understand what will be substituted for it. Andrea – ok, make a note. Tina - 400.04.
- Lloyd skip to 400.04. Monty(?) should talk to different researchers to see if ½ mile is a good distance. Andrea – “04. Detection of a regulated pest. Upon confirmation of a regulated pest, all bean fields located within half a smile of the infested field, fields where equipment was

shared, and fields planted with the same parent seed will be inspected by ISDA or ICIA for further spread of the regulated pest.” Gary – for any detection on trial ground exemption or any other field, correct? Andrea – that is correct. John – this says only inspection, should it be inspection and testing? Tina – follow up inspection and if any concerns then also sample and test. Andrea – trial field must be sampled and laboratory tested. Tina – all lots on the trial field. Andrea - but for all others it would read just inspected. Gary – adding testing where needed. (?) and testing if concerns were found during the inspection. Gary - but on the trial ground should be tested. I think we need stricter controls on the area right adjacent to the trial grounds than we do for a regular commercial fields or stock seed field. Monty – I threw in half mile, is a half mile enough distance from any field that we find a regulated pest, or should it be a mile. What do you think? Does anyone have an opinion on a true distance? Gary – Tina what have you been doing in the past? Has it been adjacent fields or have you had a distance. I know for Halo blight in the past, the state was going back to fields that were close by or at least adjacent. What’s that policy? Tina – in the past surrounding fields near positive and also parent seed lot, we re-inspect same parent seed lot. Adjacent fields and parent seed lots. Gary - I think ½ mile is good. Maybe we should have some pathologists weigh in on. John – I think we should discuss exempted fields that are within whatever radius we pick. Trying to limit the spread of something. I think it is prudent to look at all fields that can be host within the radius, not just non-exempted status. Gary (?) – I was the one that said all bean fields. Garden beans and dry beans. John – In this case I don’t think the exemption should be exempted, at least from an inspection. Lloyd – couple of notes here while you are discussing this. Pathologists may not always agree. Language is pretty broad. Do what industry wants. Take into consideration the timing of the inspections during the busy season. This will take priority over everything else on our workload. Gary – do we really need to go ½ mile, or prudent to do what we did in the past with testing all adjacent bean fields (exempt or not), plus what was planted from the same bean lot. Lloyd – general consensus on that adjacent fields and fields planted with same parent seed lot, is that what I heard? Yes(?) John(?) – included exempted varieties or types. Recommended by Gary, Lorell and John – IEOSA. Lloyd replace farmstead to delete for new language in 400.04

- 08 Home Garden the suggestion of IEOSA the addition of “with a maximum of one-half acre” – silence
- 19 The strike on Trial Ground for “on one (1) farmstead” to be removed. – silence
- 050.01 Application for Inspection. C. strike September 1 for the addition of :August 1” – silence
- 02 Active growth Inspection. a. addition of “drip or” – silence
- 151 Inspection (non-phaseolus) addition “or the Idaho Crop Improvement Association (ICIA)” – silence
- 02. Inspections a. add “sprinkler at least twice” so drip, rill at least once, sprinkler would be at least twice. (Gary?)Plus the windrow inspection or pre-harvest. Yes. Tina – I think we could copy what we have for Phaseolus word for word. That would take care of that section.
- 200.01 Idaho grown seed – add windrow “or final” inspections – silence
- .03 a. add “or official field inspection report” - silence
- 05 and 06 there is a lot of strike and additions, open for comments. Lloyd we had several comments. As group we can talk through for clarification. Tina – whether we want to correct the wording by removing “or foreign country” for shipping west of the continental divide, per the rule committee, or if we want to allow free movement in the continental United States with

tagging, segregation and ability to return with written request? Gary – How do you monitor the segregation in that situation? Tina – when it's been allowable to come back in. We note how much is going to come back, we checked bill of lading going to the other state and the bill of lading coming back and also going out to the site and looking at the returned shipment to see if it appears to be in the same back, unopened

- Lloyd asked if there were any changes requested for fees. Tina – I don't think so. We talked about the minimum \$50 dollar charge, but it's already there.
- Made it through everything. Very good discussion. What I have on our side is we are obviously going to do some substantial drafting to marry phaseolus and non-phaseolus together and make that work. We will probably wait until late next week, before we start on that. And give you all a chance. Have some spots where some folks were maybe going to submit some language to us, some ideas, some thoughts. Andrea if you would where we referenced those areas if you would capture in an email to those folks looking for those things. If you would email them copy Tina and I and that way we would have a record, so folks would know what we're looking for. We'll wait probably until we get some comments back to us next week. Might even be the first of the week after that. Just to give us a chance to do some drafting and give you all a chance to mull over. We are working from a draft that is on the web site. If you need to go back and look at it to see what we talked about, if you weren't in there already. We'll let you do that. Otherwise we will see you roughly in about a month. You should all have the web ex invites for that. Next meeting in May as well as in June. Ultimately we need it to be able to submit to DFM and go through our process on our end, right after the June meeting. Tight timeline. Any questions for us?
- Lorell - Thank you to you and your team and all of these committees, lot of effort on this. Gary's group and IEOSA team Monty, Gina and Nick and Brad, you guys have done a great job. Appreciate it.
- Lloyd – Yes. Excellent work folks. I know we have had a lot of things after 2019 being discussed. And a lot of things to go through. Do agree a lot of good work has been done. Thank you.

With that end meeting. Thanks everybody for your involvement.

10:28